



**TOWN OF LUNENBURG
SPECIAL TOWN MEETING WARRANT
AUGUST 22, 2016**

Worcester, ss:

To: John E. Baker, Constable of the Town of Lunenburg, in the county of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lunenburg, qualified to vote in elections and town affairs, to meet in the Lunenburg Middle/High School Auditorium in said Lunenburg on Monday, the 22nd day of August next, at 7:00 o'clock in the evening (7:00 P.M.), for the purpose of taking action on the Special Town Meeting Warrant, and then and there to act on the following articles, viz:

SPECIAL TOWN MEETING ARTICLES

ARTICLE 1. To see if the Town will vote to appropriate and transfer from available funds all sums of money necessary to amend the amounts voted for the Town's FY2017 Budget, under Article 15 of the May 7, 2016 Annual Town Meeting, or take any other action relative thereto. (Submitted by Town Manager)

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the first year of the FY16, FY17 & FY18 Public Employees Local Union 39 of the Laborers' International Union of North America Collective Bargaining Agreement dated July 1, 2015 – June 30, 2018; or take any action relative thereto. (Submitted by Town Manager)

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the first year of the FY17, FY18 & FY19 Police Officers Collective Bargaining Agreement dated July 1, 2016 – June 30, 2019 with IBPO Local 353, AFL-CIO; or take any action thereto. (Submitted by Town Manager)

ARTICLE 4. To see if the Town will or take any other action thereto. (Submitted by Cemetery Commission)

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to enter into one or more agreements for a term of up to thirty (30) years, with Solect Energy Development, LLC (or its assigns, successors or affiliates) for the purchase of energy and corresponding net metering credits generated by one or more privately-owned solar photovoltaic facilities to be installed on the rooftops of the Town's Middle/High School and Department of Public Works buildings, such agreements to be on such terms and conditions, and for such consideration, as the Board of Selectmen deems in the best interest of the Town, and to authorize the Board of Selectmen to do all such other things as may be required or convenient to implement and administer such agreements, or take any other action relative thereto. (Submitted by Board of Selectmen)

ARTICLE 6. To see if the Town will vote to authorize the Board of Selectmen to enter into one or more agreements for payments in lieu of taxes pursuant to G.L. c. 59, § 38H(b), or any other enabling authority, for one or more privately-owned solar photovoltaic facilities to be installed on the rooftops of the Town's Middle/High School and Department of Public Works buildings, such agreements to be on such terms and conditions, and for such consideration, as the Board of Selectmen deems in the best interest of the Town, and to authorize the Board of Selectmen do all such other things as may be required or convenient to implement and administer such agreements, or take any other action relative thereto. (Submitted by Board of Selectmen)

ARTICLE 7. To see if the Town will vote to authorize the Board of Selectmen to enter into one or more agreements for a term of up to thirty (30) years with Borrego Solar Systems Inc. (or its assigns, successors or affiliates) for the purchase of energy and corresponding net metering credits generated by privately-owned solar photovoltaic facilities, such agreements to be on such terms and conditions, and for such consideration, as the Board of Selectmen deems in the best interest of the Town, and to authorize the Board of Selectmen to do all such other things as may be required or convenient to implement and administer such agreement, or take any other action relative thereto. (Submitted by Board of Selectmen)

Note: this solar facility is located in Fitchburg; 50% will be provided to the Town and 50% will be allotted to the community

ARTICLE 8. To see if the Town will vote to amend the Zoning Bylaw, Section 4.17, Village Center District, by re-lettering Section 4.17.5 (d) as 4.17.5 (c), or take any action relative thereto. (Submitted by the Planning Board) (Requires a 2/3 majority vote)

Special Permit Approval Criteria – The Zoning Board of Appeals shall act upon all applications after notice and public hearing and after due consideration may grant such a special permit provided that it finds the proposed use:

- a. Is in harmony with the purpose and intent of the Bylaw and will promote the purposes of the Village Center

District.

- b. The use is in harmony with those of the abutting properties and the Village Center District as a whole.
 - c. All applicable standards for use, parking, and dimensional requirements are met;
 - d. All applicable design standards listed in Section 8 are met.
 - e. Where multiple structures are proposed, the site design reflects a thoughtful arrangement of elements that will facilitate the movement of pedestrians between structures through the use of sidewalks, internal walkways, alleys
- c. The following uses are prohibited in the Village Center District
- 1) Newly constructed One-story buildings on lots of less than 5 acres.
 - 2) Retail operations with more than five thousand (5,000) square feet of gross floor area on any individual floor, except for reuse of buildings existing prior to 1 May 2015, with footprints greater than five thousand (5,000) square feet.
 - 3) Drive through establishments, excluding those expressly allowed by Special Permit.

ARTICLE 9. To see if the Town will **vote to amend the Zoning Bylaw, Section 8.4, Development Plan Review, by deleting, in Section 8.4.2.1 (e), the word ‘grated’ and inserting the word ‘granted’ and by amending, the phrase ‘Site Plan Review’ wherever it appears in Section 8.4 to ‘Site Plan Approval’** or take any action relative thereto. (Submitted by Planning Board) (Requires a 2/3 majority vote)

8.4.2. Applicability

8.4.2.1. Projects Requiring Site Plan Review

- a) New construction or exterior expansion of any non-residential building or multi-family dwelling containing more than four (4) units. "Expansion" shall include a floor space increase of 5,000 square feet or 25% or more within any ten (10) year period, whichever is less.
- b) The construction or enlargement of any multi-family dwelling containing more than four (4) units, or buildings accessory to such dwellings, including such dwellings on contiguous lots under the same ownership.
- c) The construction, rehabilitation, of a building involving ten (10) or more parking spaces.
- d) The construction, reconfiguration or renovation of parking facilities, with the exception of normal maintenance.
- e) Any use designated that is ~~grated~~ **granted** a Special Permit or Variance by the Zoning Board of Appeals.
- f) Any change of use within an existing building or site.
- g) Any child care facility.

ARTICLE 10. To see if the Town will **vote to amend the Zoning Bylaw, by deleting the entirety of Section 4.12 Whalom Overlay District,** or take any action relative thereto. (Submitted by Planning Board) (Requires a 2/3 majority vote)

ARTICLE 11. To see if the Town will **vote to amend the Zoning Bylaw, Section 3.1, Types of Districts, by deleting, the word ‘fifteen’ and inserting the word ‘fourteen’ and by deleting, Section 3.1 l) Whalom Overlay District and adjusting the remaining as follows l) Tri Town Smart Growth District m) Summer Street Revitalization Overlay District n) Village Center District,** or take any action relative thereto. (Submitted by Planning Board) (Requires a 2/3 majority vote)

3.1. Types of Districts

The Town of Lunenburg is hereby divided into fifteen fourteen (14) (15) types of districts designated as:

- a) Residence A
- b) Residence B
- c) Outlying
- d) Recreation
- e) Commercial
- f) Limited Business/Residential District
- g) Retail Commercial District
- h) Route 2A Overlay District
- i) Office Park and Industrial District
- j) Flood Plain District
- k) Water Supply Protection District
- ~~l) Whalom Overlay District~~
- ~~m) l) Tri Town Smart Growth District~~

- ⇒ m) Summer Street Revitalization Overlay District
- ⇒ n) Village Center District

ARTICLE 12.To see if the Town will vote **to amend the Zoning Bylaw, 3.2.1 Location of Districts, by deleting reference to the Whalom Overlay District, and by deleting May 2, 2015 and inserting August 8, 2016**, or take any action relative thereto.(Submitted by Planning Board) (Requires a 2/3 majority vote)

3.2.Location of Districts

3.2.1. Said Districts, except Flood Plain Districts, Water Supply Protection Districts, Route 2A Overlay District,~~Whalom Overlay District~~, and Tri Town Smart Growth District hereinbefore referred to are located and bounded as shown on a map entitled “Revised Protective Bylaw Map of the Town of Lunenburg, Massachusetts”, dated ~~May 2, 2015~~ **August 8, 2016**, signed by the Planning Board and filed with the Town Clerk, which map, together with all explanatory matter thereon, shall be deemed to accompany and be a part of this Bylaw. The Flood Plain District location described in Section 4.8.2., Water Supply Protection District described in Section 4.9., Route 2A Overlay District as described in Section 4.10., ~~Whalom Overlay District as described in Section 4.12.~~ and Tri Town Smart Growth District as described in Section 4.13.

ARTICLE 13.To see if the Town will vote **to amend the Zoning Bylaw Table of Contents, by deleting the words Whalom Overlay District and inserting Repealed**, or take any action relative thereto. (Submitted by Planning Board) (Requires a 2/3 majority vote)

SECTION 4.0. USE REGULATIONS

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ARTICLE 14. To see if the Town will **vote to amend the Official Zoning Map, by deleting the Whalom Overlay District**, a copy of which is on file with the Town Clerk and dated August 8, 2016, as may be amended from time to time by Town Meeting, or take any action relative thereto. (Submitted by Planning Board)(Requires a 2/3 majority vote)

ARTICLE 15. To see if the Town will vote **to authorize the Board of Selectmen to execute a boundary line agreement with Elaine P. Mroz to establish the common boundary line between the Town-owned property located on Chestnut Street, Lunenburg known as Marshall Park and described in a deed recorded with Worcester North District Registry of Deeds in Book 291, Page 497, and the property owned by Elaine Mroz located at 64 Chestnut Street**, in said Lunenburg and described in a deed recorded with said Deeds in Book 1974, Page 89, as shown on a plan on file with the Town Clerk, and to **release any right, title and interest the Town may have in land owned by Elaine Mroz and to accept a deed for general municipal purposes, for any interest in land that Elaine Mroz may have in land owned by the Town on such terms and conditions as the Board of Selectmen deems appropriate; and further, to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for the approval of such release and conveyance of the Town’s interest in said portion of Marshall Park under Article 97 of the Amendments to the Constitution of Massachusetts, if such approval is deemed necessary by the Board of Selectmen; or take any other action relative thereto.** (Submitted by Board of Selectmen)

ARTICLE 16.To see if the Town will vote **to authorize the 10% local match towards the purchase of an Agricultural Preservation Restriction approved by the Massachusetts Department of Agricultural Resources on Lanni Orchards, consisting of 78 acres, more or less, owned by Lanni Orchards, a Partnership (Francesco Lanni, Gennaro Lanni, Mario Lanni and Nicole Lanni, General Partners) and located at 292 Chase Road, Lunenburg, MA, and shown on Assessors Map 162 as parcel 038 and described in a deed with the Worcester Northern District Registry of Land Deeds in Book 1441, Page 46; and further to authorize the Board of Selectmen to do all such other things as may be required or convenient to acquire by gift, purchase, or eminent domain said Agricultural Preservation Restriction or other interests therein in connection therewith; or take any other action relative thereto.** (Submitted by Board of Selectmen) (Requires a 2/3 majority vote)

And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, fourteen (14) days at least before the day appointed for said meeting, one of which places shall be the Town Hall, one at Whalom Variety Store in the Whalom-Bakerville District, one at Powell’s and one at Centre Pizza and Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least fourteen (14) days prior to such meeting. Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place aforesaid.

Given under our hands this nineteenth day of July 2016.

BOARD OF SELECTMEN

A true copy attest:

Kathyrn M. Herrick, Town Clerk

James E. Toale, Chairman

Robert E. Ebersole, Vice Chairman

Thomas A. Alonzo, Clerk

Paula J. Bertram, Member

Phyllis M. Luck, Member